

## **REMARKS**

### **Overview**

Claims 1-15 are pending in this application. Claims 1, 7, and 16 have been amended. This Amendment is accompanied by a Request for Continued Examiner (RCE).

Claims 1-19 have been rejected under 35 U.S.C. § 103 as being obvious over Fried in view of Lopez. Applicant respectfully traverses this rejection, and requests reconsideration of claims, as amended.

### **Nonanalogous Art**

Lopez is nonanalogous art. The test for analogous art is two-fold: 1) is the reference within the field of the inventor's endeavor; and if not, 2) is the reference reasonably pertinent to the particular problem to which the inventor was involved?

Lopez is directed towards a slitter machine for cutting coiled sheets into strands, wherein the present application is directed towards pump assemblies. Thus, Lopez is not in the same field of endeavor as Applicant's invention, and fails the first test of analogous art. The problem addressed by Applicant's invention is the provision of a simple, economical and convenient means for interchanging multiple pumps to apply multiple spray solutions in a coating industry, wherein the prior art used separate drive motors for each pump and spray solution. The present invention overcame this problem of multiple motors for multiple pumps and spray solutions by utilizing a single motor with a drive gear which can be selectively engaged by driven gears on multiple pumps for spraying different solutions. Lopez solves a different problem of selectively actuating multiple arbors in a slitting machine. Therefore, Lopez fails the second test for analogous art.

Accordingly, Lopez is an improper reference to utilize in the rejection of the claims. Therefore, the § 103 rejection should be withdrawn.

### **The Combination of Fried and Lopez is Improper**

The Examiner's alleged basis for combining Fried and Lopez is that the modified construction will be more economical and allow an inactive device to be prepped since it is quickly accessible due to the integral attachment of the devices in the assembly. However, there is no evidence that modifying Fried to use the drive assembly of Lopez will produce a more economical unit or make preparation of the unit quicker. While Lopez makes a passing reference to providing a slitter with economical construction, there is no evidence that this economical construction of the Lopez slitter will carry over to a modification of the Fried pump assembly. Furthermore, there is no evidence that the Fried pump units cannot be quickly and easily prepped, particularly since they are easily removable from the cradle. There is no evidence that the drive assembly of Lopez, if used on Fried, will improve the preparation time or accessibility of the Fried pumps.

Also, it is unclear how the Lopez drive assembly can even be used on the Fried pump assembly. In Fried, the axis of the drive gears and driven gear are all parallel. In Lopez, the drive gear axis is perpendicular to the axes of the driven gears. Also, in Lopez, the drive shaft and gear 38, 46 extend through the pivotal or moveable plate 14, whereas drive gears 33, 34 of Fried do not extend through a moveable plate. Furthermore, the driven units 20 of Lopez are not quickly and easily removable from their support structures, as is the pump assemblies 27 of Fried. Thus, it is not apparent how the drive assembly of Fried can be modified so as to use the drive assembly of Lopez, due to the substantially different structural arrangements in these references.

Therefore, the asserted combination of Fried and Lopez and the resulting modification of Fried to utilize the Lopez drive assembly would not be obvious to persons having ordinary skill in the art, such that the § 103 rejections should be withdrawn.

#### **The Amended Claims Further Distinguish Over the References**

Claim 1 has been amended to provide that the motor have a single drive gear, and that this single drive gear selectively drives the gears of the first and second pumps when the pump plate is in the first and second positions, respectively. Fried does not meet this limitation, since Fried utilizes two drive gears, 33, 34 which drive a single pump at different speeds, depending on which drive gear meshes with the pump gear 62. When the pump plate of a single Fried motor 27 is moved relative to the cradle, such movement has no effect on a second pump assembly 27 of Fried. As discussed above, it would be very difficult to utilize the Lopez moveable plate 14 in place of the Fried plump plate 42.

Accordingly, claim 1 sets forth unique structure, operation and results which are not satisfied by the cited references. Therefore, claim 1 distinguishes over the references so as to be allowable, along with depending claims 2-6.

Independent method claim 7 has been amended to provide that the first and second pumps are driven by the same drive gear on the motor, when the pump plate is moved between the first and second positions relative to the base plate. Again, movement of the plate 42 of one of the pump assemblies 27 of Fried has no effect on the next pump assembly 27. Rather, movement of the pump plate 42 of one Fried pump 27 merely engages or disengages the pump to the drive gear, with no change in the function of an adjacent pump. Lopez does not overcome this

deficiency of Fried. Therefore, claim 7 and depending claims 8-11 distinguish over the references so as to be allowable.

Independent claim 12 provides that movement of either pump automatically effects movements of the other pump between first and second positions. The movement causes the gears of the respective pumps to be meshed or disengaged from the mesh drive gear of the motor. In Fried, the pumps are independently moveable, and movement of one pump does not automatically effect movement of the other pump, as required by claim 12. Since Lopez has no pumps, Lopez does not overcome the deficiency of Fried with respect to the movement of the pumps automatically affecting one another. Therefore, claim 12 and depending claims 13-15 distinguish over the references so as to be allowable.

Independent claim 16 requires that the pump plate is connected to the base plate by one or more slots, which direct movement of the pump plate relative to the base plate between first and second positions. Fried does not meet this limitation, since the slots 105, 106 do not direct movement. Rather, the slots 105, 106 of Fried terminate movement of the pump plate relative to the base plate. In other words, the slots 105, 106 of Fried merely maintain the position of the pump plate relative to the base plate, but does not direct such movement, in accordance with claim 16. In Lopez, the slot in the plate 14 appears to be an enlarged opening surrounding the drive shaft 38. It is unclear how the movement of the plate 14 is directed by this enlarged hole. Furthermore, claim 16 requires that the movement be a "sliding movement". Neither Fried nor Lopez has such sliding movement along the slot? Rather, in Lopez, the beads 25 of the cradle are received in the slots 105, 106, but do not slide therein. In Lopez, the plate 14 pivots, but does not slide.

For these reasons, claim 16 distinguishes over the cited references, along with claims 17-19 depending therefrom.

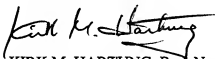
## **Conclusion**

In view of the foregoing, Applicant respectfully requests that a Notice of Allowance be issued.

This amendment accompanies the filing of a Request for Continued Examination (RCE). Please charge Deposit Account No. 26-0084 the amount of \$405.00 for the RCE per the attached transmittal. No other fees or extensions of time are believed to be due in connection with this amendment; however, consider this a request for any extension inadvertently omitted, and charge any additional fees to Deposit Account No. 26-0084.

Reconsideration and allowance is respectfully requested.

Respectfully submitted,



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